

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

KENNETH MASON and,)
JULIA WATKINS,)
Plaintiffs,) Civil Action No. 07-C-0272 CNC
v.)
LONG BEACH MORTGAGE COMPANY;)
and DEUTSCHE BANK NATIONAL TRUST)
COMPANY;) JURY DEMANDED
Defendants.)

**PLAINTIFFS' UNOPPOSED MOTION TO STAY PENDING
DECISION OF JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Plaintiffs Kenneth Mason and Julia Watkins respectfully ask the Court to stay the proceedings in this matter pending the decision of the Judicial Panel on Multidistrict Litigation on reassignment of this case to the Northern District of Illinois.

In support of this motion, Plaintiffs state as follows:

1. Plaintiffs brought this action on March 21, 2007, seeking rescission of their mortgage and damages related to a 1-4 Family Rider given to them at the closing.
2. On June 4, 2007, Defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(B)(6). Plaintiffs' response brief is due on June 25, 2007.
3. On June 15, 2007, a motion was filed with the Judicial Panel on Multidistrict Litigation ("MDL Panel") by the plaintiff's counsel in a matter styled *Navara v. Long Beach Mortgage Company*, 05 C 0864, currently pending in the United States District Court for the Northern District of Illinois. The motion, which was unopposed by counsel for

Long Beach, seeks, *inter alia*, the transfer of this action to the Northern District of Illinois and consolidation with *Navara* for all pre-trial and trial proceedings. A copy of that motion is attached hereto as Exhibit A.

4. Plaintiff's counsel seeks the stay of this matter until the MDL Panel has ruled on the *Navara* counsel's motion. Many of the issues raised in Defendants' motion to dismiss have been decided by the *Navara* court. Re-briefing these issues before this Court would be a waste of judicial and attorney resources.

5. In the event, the Court is not inclined to grant this motion, Plaintiffs ask for a 10 day extension – until July 5, 2007 – in which to file their response brief.

6. Before filing this motion, Plaintiffs' counsel contacted Defendants' counsel by e-mail. Defendants have no objection to this motion.

Respectfully submitted,

s/ Daniel A. Edelman
Daniel A. Edelman

Daniel A. Edelman
Thomas E. Soule
EDELMAN, COMBS, LATTURNER
& GOODWIN, LLC
120 S. LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

CERTIFICATE OF SERVICE

I, Daniel A. Edelman, hereby certify that on June 22, 2007, I filed the foregoing documents with the Clerk of the Court using the CM/ECF System, which sent notification of such filing to the following:

Scott T. Schutte

schuttes@howrey.com

Lisa M. Arent

larent@whdlaw.com

Kenneth R. Nowakowski

knowakowski@whdlaw.com

Nathan A. Fishbach

nfishbach@whdlaw.com

s/ Daniel A. Edelman

Daniel A. Edelman